THE HON'BLE SRI JUSTICE C.V. RAMULU

Wednesday, the 17th day of January, 2007

W.P.No.21011 of 1994

Between:

Tirumala Tirupathi Devasthanam
Engineering Works Inspector
Weflare Union, represented by its
President V.Narasimha Murthy … Petitioner

and

Tirumala Tirupathi Devasthanam
rep. by its Executive Officer,
Tirupathi, Chittoor District
and others … Respondents

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ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of the respondents in appointing persons, who are not inservice candidates in Technical Establishment of Tirumala Tirupathi Devasthanams to the post of Junior Water Analyst, for which the interview was scheduled on 30-11-1994 ignoring the claims of inservice candidates as arbitrary and illegal.

According to the petitioner-Union, the inservice candidates are entitled for consideration for appointment to the post of Junior Water Analyst as per G.O.Ms.No.375, dated 26-4-1994, but the official respondents have ignored the said G.O. and sought to appoint a person, who is not an inservice candidate.

A detailed counter affidavit has been filed by the Joint Executive Officer of the respondent-Devasthanams denying the allegations made by the petitioner. Respondent No.4 has filed an affidavit asserting that though the Government has amended the TTD Service Rules by issuing G.O.Ms.No.375, dated 26-4-1994 incorporating the fourth method of filling up of the vacancies in TTD i.e. recruitment by transfer from among inservice candidates, yet the TTD Management has brought to the notice of the Government that there were several litigations and practical difficulties in implementing G.O.Ms.No.375, dated 26-4-1994; therefore, the Management of TTD requested the

Government to review the said orders issued in G.O.Ms.No.375, dated 26-4-1994. In pursuance of the same, Government has initially issued orders in G.O.Rt.No.1562, dated 13-12-1995 keeping G.O.Ms.No.375, dated 26-4-1994 in abeyance. Thereafter, TTD Management has requested the Government to delete the said amendment introduced in G.O.Ms.No.375, dated 26-4-1994. Government, after careful examination of the matter, in G.O.Ms.No.157, dated 28-2-1997 issued a notification calling for objections on the proposed amendment. Thereafter, Government issued orders in G.O.Ms.No.484, dated 7-8-1997 omitting the amendment incorporated in G.O.Ms.No.375, dated 26-4-1994 and the said G.O.Ms.No.484 came into force with effect from 13-12-1995. Therefore, the relief sought for in the Writ Petition has become infructuous.

The said averments in the affidavit of the 4th respondent have not been controverted by the petitioner-union by filing any reply.

In view of the fact that the very G.O.Ms.No.375, dated 26-4-1994 enabling consideration of inservice candidates for appointment to the post of Junior Water Analyst, has already been rescinded, the question of considering the case of the members of the petitioner-union as per the said G.O. does not arise. That apart, while admitting the Writ Petition, this Court granted an interim order on 29-11-1994 to the effect that the interviews scheduled on 30-11-1994 shall go on, but the result of the same shall not be published until further orders. But, the said Order was vacated on 25-9-2002. Now, it is more than 12 years from the date of filing of the Writ Petition and the cause in the Writ Petition does not survive as of now.

Accordingly, the Writ Petition is dismissed. No order as to costs.

17-1-2007

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